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6 Attorneys for Defendants THE BOARD OF TRUSTEES  
 7 OF THE UNIVERSITY OF ILLINOIS, erroneously sued as  
 THE UNIVERSITY OF ILLINOIS-URBANA CHAMPAIGN;  
 8 and DR. GEORGE GOLLIN

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

11 ST. LUKE SCHOOL OF MEDICINE;  
 12 DR. JERROLL B.R. DOLPHIN and  
 DR. ROBERT FARMER on behalf of  
 himself and all others similarly situated, as  
 applicable,

14 Plaintiffs,

15 v.

16 REPUBLIC OF LIBERIA; MINISTRY OF  
 HEALTH, a Liberian Governmental  
 Agency; MINISTRY OF EDUCATION, a  
 17 Liberian Governmental Agency; LIBERIAN  
 MEDICAL BOARD, a Liberian  
 18 Governmental Agency; NATIONAL  
 COMMISSION ON HIGHER  
 19 EDUCATION, a Liberian Governmental  
 Agency; NATIONAL TRANSITIONAL  
 20 LEGISLATIVE ASSEMBLY, a Liberian  
 Governmental Agency; DR. ISAAC  
 21 ROLAND; MOHAMMED SHERIFF; DR.  
 BENSON BARH; DR. GEORGE GOLLIN;  
 22 EDUCATION COMMISSION FOR  
 FOREIGN MEDICAL GRADUATES; a  
 23 Pennsylvania Non-Profit organization;  
 FOUNDATION FOR ADVANCEMENT  
 24 OF INTERNATIONAL EDUCATION  
 AND RESEARCH; a Pennsylvania Non-  
 25 Profit organization; UNIVERSITY OF  
 ILLINOIS-URBANA CHAMPAIGN, an  
 26 Illinois Institution of Higher Learning;  
 27 STATE OF OREGON, Office of Degree  
 Authorization,

28 Defendants.

Case No.: 10-CV-01791 RGK (SHx)

[Honorable R. Gary Klausner]

**DR. GEORGE GOLLIN'S REPLY  
 MEMO TO HIS MOTION TO  
 DISMISS, ALTERNATIVELY FOR  
 MORE DEFINITE STATEMENT,  
 AND TO STRIKE**

**[FRCP 8, 12(b)(1), 12(e), 12(f) & 41(b)]**

DATE: July 26, 2010  
 TIME: 9:00 a.m.  
 COURTROOM: 850

**MEMORANDUM OF POINTS AND AUTHORITIES**

Professor Gollin's pending motion to dismiss on sovereign immunity grounds, and to strike the class action allegations, among other things, is similar to The Board of Trustees of the University of Illinois' (the University) pending motion, which this Court has taken under submission without argument. Plaintiffs did not timely file an opposition to the University's motion, and did not file *any* opposition at all to Professor Gollin's motion. For this reason alone (and there are many other reasons to go with this)<sup>1</sup>, Professor Gollin's now unopposed motion should be granted, and plaintiffs should not be provided leave to amend.

In fact, the only document we have seen even purporting to address these motions is a document apparently filed by plaintiff Jerroll Dolphin, M.D., himself, without leave of court, on July 2, 2010, which for some reason was not served on us until July 8, 2010 (we received an e-notification from the Court on that date). This purported opposition to *the University's* motion, filed many weeks too late, was not only filed by Dr. Dolphin despite this Court's refusal to allow this non-attorney to substitute in for attorney-of-record Thaddeus Culpepper, but it is written in the same "voice" as the original complaint – which is to say lacking in the organization, comprehensibility, and conciseness one expects from a federal court legal brief or pleading. Indeed, we cannot really respond to this late opposition at all even if we were so inclined since, to the extent we can even follow it, it does not appear to address the points made in the University's (or Professor Gollin's) moving papers.

In any case, even though the instant Reply brief is filed on behalf of Professor Gollin, we nonetheless object to the late-filed opposition to the University's

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<sup>1</sup> Dismissal is also appropriate on the merits as set forth in the moving papers; for lack of federal court jurisdiction as this Court recognized in its July 2, 2010, Order; for obvious lack of prosecution by counsel and plaintiffs' inability to locate new counsel; and pursuant to Rule 11.

1 fully briefed motion (which had an original hearing date of July 6). We also object  
2 and move to strike the document on the grounds it was not filed by the attorney of  
3 record for plaintiff Dolphin, but by Dr. Dolphin himself after Dr. Dolphin's request to  
4 substitute into this case was *denied* (now twice) by this Court. (Even if Dr. Dolphin  
5 can represent himself pro per, he certainly cannot represent any of the other plaintiffs  
6 in this action, as this Court has already indicated.)

7           With respect to Professor Gollin's motion to dismiss, we note that  
8 plaintiff's counsel has already represented that he would dismiss the University from  
9 this action on 11<sup>th</sup> Amendment grounds, clearly recognizing that the action is wholly  
10 improper before this Court as against instrumentalities of the State. (See the  
11 University's Reply Memorandum, Exhibit A to Young Declaration filed concurrently  
12 therewith.) The University's professor, Dr. Gollin, should be included in that  
13 dismissal for all the same reasons. As Professor Gollin has explained in his moving  
14 papers, the University and Professor Gollin are both instrumentalities of the State of  
15 Illinois covered by the 11<sup>th</sup> Amendment's sovereign immunity protection. (This is not  
16 to minimize the other unopposed arguments made in Professor Gollin's moving  
17 papers regarding the insufficiencies of the complaint; but this issue seems dispositive.)

18           We submit that this may be a case where sanctions are appropriate, and  
19 we are considering filing such a motion in the near term.

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